

# SENATE BILL 512

E4  
SB 161/11 – JPR

2lr0837  
CF HB 1310

By: **Senators Frosh, Conway, Forehand, Gladden, Kelley, Madaleno, Manno,  
Montgomery, Ramirez, Raskin, and Rosapepe**

Introduced and read first time: February 3, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2012

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Regulated Firearms – Database – Applications for Dealer’s License – Record**  
3 **Keeping and Reporting Requirements**

4 FOR the purpose of ~~authorizing the Criminal Justice System Central Repository in the~~  
5 ~~Department of Public Safety and Correctional Services to disseminate certain~~  
6 ~~reportable events to the Department of State Police; authorizing the~~  
7 ~~Department of State Police to make certain information available to local law~~  
8 ~~enforcement agencies to aid the investigation of individuals who possess a~~  
9 ~~firearm despite being prohibited from possessing a firearm; requiring the~~  
10 Secretary of State Police or the Secretary’s designee to disapprove an  
11 application for a State-regulated firearms dealer’s license if the Secretary or  
12 designee determines that the applicant intends a certain person to participate  
13 or hold a certain interest in the management or operation of the business for  
14 which the license is sought; requiring that the Secretary or designee suspend a  
15 dealer’s license if the licensee is not in compliance with certain record keeping  
16 and reporting requirements; requiring that a licensed dealer keep records of all  
17 receipts, sales, and other dispositions of firearms affected in connection with the  
18 licensed dealer’s business; requiring the Secretary or designee to adopt certain  
19 regulations specifying certain information; requiring that the records that  
20 licensed dealers maintain include certain information; specifying certain record  
21 keeping requirements to be met when a firearms business is discontinued;  
22 requiring that a licensee respond in a certain way after receipt from the  
23 Secretary or designee for certain information; authorizing the Secretary or  
24 designee to implement a system by which a certain person may request certain

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 information; requiring the Secretary or designee to inspect the inventory and  
 2 records of a licensed dealer under certain circumstances; authorizing the  
 3 Secretary or designee to conduct a certain inspection during a certain time;  
 4 providing certain penalties; and generally relating to regulated firearms dealers  
 5 and applicants for a regulated firearms dealer's license.

6 ~~BY repealing and reenacting, with amendments,~~  
 7 ~~Article – Criminal Procedure~~  
 8 ~~Section 10–219(a)~~  
 9 ~~Annotated Code of Maryland~~  
 10 ~~(2008 Replacement Volume and 2011 Supplement)~~

11 ~~BY adding to~~  
 12 ~~Article – Criminal Procedure~~  
 13 ~~Section 10–219(e)~~  
 14 ~~Annotated Code of Maryland~~  
 15 ~~(2008 Replacement Volume and 2011 Supplement)~~

16 BY repealing and reenacting, without amendments,  
 17 Article – Public Safety  
 18 Section 5–101(a) and (s)  
 19 Annotated Code of Maryland  
 20 (2003 Volume and 2011 Supplement)

21 BY repealing and reenacting, with amendments,  
 22 Article – Public Safety  
 23 Section 5–110(a), 5–114(a), and 5–115  
 24 Annotated Code of Maryland  
 25 (2003 Volume and 2011 Supplement)

26 BY adding to  
 27 Article – Public Safety  
 28 Section 5–144  
 29 Annotated Code of Maryland  
 30 (2003 Volume and 2011 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 32 MARYLAND, That the Laws of Maryland read as follows:

33 ~~Article – Criminal Procedure~~

34 ~~10–219.~~

35 ~~(a) Except in accordance with applicable federal law and regulations AND~~  
 36 ~~EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, a criminal justice unit and~~  
 37 ~~the Central Repository may not disseminate criminal history record information.~~

~~(c) (1) THE CENTRAL REPOSITORY MAY DISSEMINATE REPORTABLE EVENTS THAT ARE CONVICTIONS FOR DISQUALIFYING CRIMES, AS DEFINED IN § 5-101(c) OF THE PUBLIC SAFETY ARTICLE, TO THE DEPARTMENT OF STATE POLICE.~~

~~(2) THE DEPARTMENT OF STATE POLICE MAY MAKE THE INFORMATION RECEIVED FROM THE CENTRAL REPOSITORY AVAILABLE TO LOCAL LAW ENFORCEMENT AGENCIES TO AID THE INVESTIGATION OF INDIVIDUALS WHO POSSESS A FIREARM DESPITE BEING PROHIBITED FROM POSSESSING A FIREARM.~~

### Article – Public Safety

5-101.

(a) In this subtitle the following words have the meanings indicated.

(s) “Secretary” means the Secretary of State Police or the Secretary’s designee.

5-110.

(a) The Secretary shall disapprove an application for a dealer’s license if:

(1) the Secretary determines that the applicant supplied false information or made a false statement;

(2) the Secretary determines that the application is not properly completed; [or]

(3) the Secretary receives a written notification from the applicant’s licensed attending physician that the applicant suffers from a mental disorder and is a danger to the applicant or to another; **OR**

**(4) THE SECRETARY DETERMINES THAT THE APPLICANT INTENDS THAT A PERSON WHO IS NOT ELIGIBLE TO BE ISSUED A DEALER’S LICENSE OR WHOSE DEALER’S LICENSE HAS BEEN REVOKED OR SUSPENDED:**

**(I) WILL PARTICIPATE IN THE MANAGEMENT OR OPERATION OF THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT; OR**

**(II) HOLDS A LEGAL OR EQUITABLE INTEREST IN THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT.**

5-114.

1 (a) The Secretary shall suspend a dealer's license if the licensee:

2 (1) is under indictment for a crime of violence; [or]

3 (2) is arrested for a violation of this subtitle that prohibits the  
4 purchase or possession of a regulated firearm; OR

5 **(3) IS NOT IN COMPLIANCE WITH THE RECORD KEEPING AND**  
6 **REPORTING REQUIREMENTS OF § 5-144 OF THIS SUBTITLE.**

7 5-115.

8 (a) (1) A person whose dealer's license is suspended or revoked **OR WHO**  
9 **IS FINED FOR A VIOLATION OF THIS SUBTITLE** and who is aggrieved by the action  
10 of the Secretary may request a hearing by writing to the Secretary within 30 days  
11 after the Secretary forwards notice to the applicant under § 5-114(c) of this subtitle.

12 (2) The Secretary shall grant the hearing within 15 days after  
13 receiving the request.

14 (b) The hearing shall be held in accordance with Title 10, Subtitle 2 of the  
15 State Government Article.

16 **5-144.**

17 **(A) (1) A LICENSED DEALER SHALL KEEP RECORDS OF ALL**  
18 **RECEIPTS, SALES, AND OTHER DISPOSITIONS OF FIREARMS AFFECTED IN**  
19 **CONNECTION WITH THE LICENSED DEALER'S BUSINESS.**

20 **(2) THE SECRETARY SHALL ADOPT REGULATIONS SPECIFYING:**

21 **(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**  
22 **INFORMATION THAT THE RECORDS SHALL CONTAIN;**

23 **(II) THE TIME PERIOD FOR WHICH THE RECORDS ARE TO BE**  
24 **KEPT; AND**

25 **(III) THE FORM IN WHICH THE RECORDS ARE TO BE KEPT.**

26 **(3) THE RECORDS SHALL INCLUDE:**

27 **(I) THE NAME AND ADDRESS OF EACH PERSON FROM WHOM**  
28 **THE DEALER ACQUIRES A FIREARM AND TO WHOM THE DEALER SELLS OR**  
29 **OTHERWISE DISPOSES OF A FIREARM;**

1                   (II) A PRECISE DESCRIPTION, INCLUDING MAKE, MODEL,  
2 CALIBER, AND SERIAL NUMBER, OF EACH FIREARM ACQUIRED, SOLD, OR  
3 OTHERWISE DISPOSED OF; AND

4                   (III) THE DATE OF EACH ACQUISITION, SALE, OR OTHER  
5 DISPOSITION.

6                   (4) THE SECRETARY MAY PROVIDE THAT RECORDS MAINTAINED  
7 UNDER 18 U.S.C. § 923(G)(1)(A) MAY BE USED TO SATISFY THE REQUIREMENTS  
8 OF THIS SECTION.

9                   (B) (1) WHEN REQUIRED BY A LETTER ISSUED BY THE SECRETARY, A  
10 LICENSEE SHALL SUBMIT TO THE SECRETARY THE INFORMATION REQUIRED TO  
11 BE KEPT UNDER SUBSECTION (A) OF THIS SECTION FOR THE TIME PERIODS  
12 SPECIFIED BY THE SECRETARY.

13                   (2) THE SECRETARY SHALL DETERMINE THE FORM AND METHOD  
14 BY WHICH THE RECORDS SHALL BE MAINTAINED.

15                   (C) ~~(1)~~ WHEN A FIREARMS BUSINESS IS DISCONTINUED AND  
16 SUCCEEDED BY A NEW LICENSEE, THE RECORDS REQUIRED TO BE KEPT UNDER  
17 THIS SECTION SHALL REFLECT THE BUSINESS DISCONTINUANCE AND  
18 SUCCESSION AND SHALL BE DELIVERED TO THE SUCCESSOR LICENSEE.

19                   ~~(2) WHEN A FIREARMS BUSINESS IS DISCONTINUED ABSOLUTELY,~~  
20 ~~THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION SHALL REFLECT~~  
21 ~~THE BUSINESS DISCONTINUANCE AND SHALL BE DELIVERED TO THE~~  
22 ~~SECRETARY WITHIN 30 DAYS AFTER THE BUSINESS DISCONTINUANCE.~~

23                   (D) (1) A LICENSEE SHALL RESPOND WITHIN 24 HOURS AFTER  
24 RECEIPT OF A REQUEST FROM THE SECRETARY FOR INFORMATION CONTAINED  
25 IN THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION WHEN THE  
26 INFORMATION IS REQUESTED IN CONNECTION WITH A BONA FIDE CRIMINAL  
27 INVESTIGATION.

28                   (2) THE INFORMATION REQUESTED UNDER THIS SUBSECTION  
29 SHALL BE PROVIDED ORALLY OR IN WRITING, AS REQUIRED BY THE  
30 SECRETARY.

31                   (3) THE SECRETARY MAY IMPLEMENT A SYSTEM BY WHICH A  
32 LICENSEE CAN POSITIVELY ESTABLISH THAT A PERSON REQUESTING  
33 INFORMATION BY TELEPHONE IS AUTHORIZED BY THE SECRETARY TO REQUEST  
34 THE INFORMATION.

1           **(E) THE SECRETARY MAY MAKE AVAILABLE TO A FEDERAL, STATE, OR**  
 2 **LOCAL LAW ENFORCEMENT AGENCY ANY INFORMATION THAT THE SECRETARY**  
 3 **OBTAINS UNDER THIS SECTION RELATING TO THE IDENTITIES OF PERSONS WHO**  
 4 **HAVE UNLAWFULLY PURCHASED OR RECEIVED FIREARMS.**

5           **(F) THE SECRETARY:**

6                   **(1) SHALL INSPECT THE INVENTORY AND RECORDS OF A**  
 7 **LICENSED DEALER AT LEAST ONCE EVERY 2 YEARS; AND**

8                   **(2) MAY INSPECT THE INVENTORY AND RECORDS AT ANY TIME**  
 9 **DURING THE NORMAL BUSINESS HOURS OF THE LICENSED DEALER’S BUSINESS.**

10           **(G) (1) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A**  
 11 **CIVIL PENALTY NOT EXCEEDING \$1,000 IMPOSED BY THE SECRETARY.**

12                   **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A PERSON WHO**  
 13 **KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS**  
 14 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT**  
 15 **EXCEEDING \$10,000 OR BOTH.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 17 October 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.